

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Jason Michael Mussehl,

Plaintiff,
v. ORDER
Civil No. 06-2985 (MJD/JJG)

Robert Fletcher, et al.,

Defendants.

The above-entitled matter comes before the Court upon the Plaintiff's objections to the Report and Recommendation of United States Magistrate Judge Jeanne J. Graham dated January 3, 2008.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based on that review the Court ADOPTS the Report and Recommendation to the extent that it recommends dismissal for failure to exhaust administrative remedies, but will dismiss the matter without prejudice.

IT IS HEREBY ORDERED that:

1. Defendants' Motion for Summary Judgment [Doc. No. 37] is GRANTED.

2. Defendants' Motion to Compel Discovery/Sanctions [Doc. No. 34] is DENIED AS MOOT.
3. Plaintiff's Motion for Discovery and Appointment of Counsel [Doc. No. 36] is DENIED.
4. This matter is DISMISSED WITHOUT PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: February 1, 2008

s / Michael J. Davis

Michael J. Davis
United States District Court